

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**GLENFORD KENNARD HYATT,      }  
                                        }  
                                        Plaintiff,      }  
v.                                      }  
                                        }  
**M&T BANK,                          }  
                                        }  
                                        Defendant.      }****

**CASE NO. 1:21-CV-0221**

**DEFENDANTS M&T BANK AND LAKEVIEW LOAN SERVICING, LLC'S  
MOTION TO DISMISS**

COME NOW Defendants M&T Bank ("M&T") and Lakeview Loan Servicing, LLC ("Lakeview") (collectively, "Defendants"), by and through their undersigned counsel, and pursuant to Rule 12 of the Federal Rules of Civil Procedure, hereby move this Court to dismiss all claims asserted by Plaintiff Glenford Kennard Hyatt ("Plaintiff") against Defendants.<sup>1</sup> In support of their motion, Defendants state as follows:

---

<sup>1</sup> Plaintiff identifies only M&T as a defendant in the caption of his Complaint, and the body of the Complaint likewise references only M&T. However, Plaintiff's Complaint does identify Lakeview Loan Servicing LLC ("Lakeview") as an "[a]dditional [d]efendant[]" in one place. (*See* Compl., p. 3.) Therefore, out of an abundance of caution, Lakeview joins this motion.

1. Plaintiff's Complaint fails to give Defendants sufficient notice of the claims asserted against them, and, as such, is due to be dismissed as an improper shotgun pleading.

2. Additionally, Plaintiff's claims fail to state a claim upon which relief can be granted under either the Fair Credit Reporting Act ("FCRA") or the Fair Debt Collection Practices Act ("FDCPA").

3. As such, Plaintiff's Complaint is due to be dismissed pursuant to Fed. R. Civ. P. 12(b)(6).

4. In support of their Motion, Defendants rely on the pleadings and their Memorandum of Law filed in support of this Motion.

WHEREFORE, for the reasons stated herein and in Defendants' Memorandum of Law in Support, Defendants respectfully request that this Court grant their Motion to Dismiss and dismiss Plaintiff's Complaint with prejudice.

Respectfully submitted, this 9th day of February, 2021.

*/s/ Rachel R. Friedman*

---

Rachel R. Friedman  
Georgia Bar No. 456493  
rfriedman@burr.com

BURR & FORMAN, LLP  
171 Seventeenth Street, NW, Suite 1100  
Atlanta, Georgia 30363  
Telephone: (404) 815-3000  
Facsimile: (404) 817-3244  
Attorney for Defendants M&T BANK &  
LAKEVIEW LOAN SERVICING, LLC

## **CERTIFICATION OF COUNSEL**

I hereby certify that the foregoing document has been prepared with Times New Roman, 14 point font, one of the font and point selections approved by the Court in LR 5.1C.

*/s/ Rachel R. Friedman* \_\_\_\_\_

Rachel R. Friedman  
Georgia Bar No. 456493  
rfriedman@burr.com

BURR & FORMAN LLP  
171 Seventeenth Street, NW, Suite 1100  
Atlanta, Georgia 30363  
Telephone: (404) 815-3000  
Facsimile: (404) 817-3244

## **CERTIFICATE OF SERVICE**

I hereby certify that on February 9, 2021, the foregoing document was mailed via First Class U.S. Mail, postage prepaid, to the following:

Glenford Kennard Hyatt  
4480 S. Cobb Drive  
Suite H, Box 558  
Smyrna, GA 30080

*/s/ Rachel R. Friedman* \_\_\_\_\_

Rachel R. Friedman  
Georgia Bar No. 456493  
[rfriedman@burr.com](mailto:rfriedman@burr.com)